



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/579,723	05/26/2000	David E. Grober	032511-002	9904

21839 7590 12/14/2001

BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

MAHONEY, CHRISTOPHER E

ART UNIT	PAPER NUMBER
----------	--------------

2851

3

DATE MAILED: 12/14/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/579,723

Applicant(s)
David E. Grober

Examiner
Christopher E Mahoney

Art Unit
2851



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) 18-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 1-20 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 20) ☐ Other:

Art Unit: 2851

DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-17, drawn to a stabilized platform for a system such as a camera, classified in class 396, subclass 55.
 - II. Claims 18-20, drawn to an anti-seasickness chair, classified in class 114, subclass 194.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as use as a airborne camera. See MPEP § 806.05(d).
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Art Unit: 2851

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

6. During a telephone conversation with Cindy A. Lynch on December 10, 2001 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-17. Affirmation of this election must be made by applicant in replying to this Office action. Claims 18-20 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Specification

7. The abstract of the disclosure is objected to because "or other location" recited on line 14 does not seem to make sense in the context it is presented. Either an initial location needs to be added or the "or other location" should be removed. Correction is required. See MPEP § 608.01(b).

8. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Specifically, the specification does not mention or describe a level sensor as recited in claims 1, 3 and 15.

Art Unit: 2851

Claim Rejections - 35 USC § 112

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. Claims 1-13 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not understood what the applicant means by "level sensors" as recited in claims 1, 3 and 15. It is unclear if these are a specific type of sensor, if the sensor is leveled at time of installation or some other interpretation.

There is a lack of antecedent basis for *the* operator as recited in claim 13.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1-3 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Buell (U.S. Pat. No. 4,070,674). Buell teaches a stabilized platform comprising a payload platform for supporting a swiveling gun station, a base (the aircraft), a stabilizing system connecting the

Art Unit: 2851

payload to the base including at least two motors 367, 377 for rotating the platform, a first sensor package for determining motion of the vehicle (figure 1), and a second sensor package including at least one level sensor fixed to the payload platform 200, 201, and a control system for stabilizing the platform based on information provided by the first sensor package and the second sensor package 206. The applicant is directed to review the abstract, figures 1-3, and 7 as well as column 2, lines 7-10, and column 9, lines 23-44.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-3, 6, 10-11, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollandsworth (U.S. Pat. No. 5,202,695) in view of Walrath (U.S. Pat. No. 5,050,087). Hollandsworth teaches a stabilized platform comprising a payload platform 13 for supporting an article to be stabilized, a base (the aircraft), a stabilizing system connecting the payload to the base including at least two motors 38-40 for rotating the platform, a first sensor package 30 for determining motion of the vehicle, and a control system 34 for stabilizing the platform. The applicant is directed to review figures 1-4. Column 1, line 20 teaches that the stabilized object may be a camera. Hollandsworth does not teach a second sensor package where

Art Unit: 2851

the controller controls the platform to compensate for errors in the first sensor package. Walrath teaches that it was known to utilize a second sensor package to correct for errors in the first sensor package. The applicant is directed to review column 1, line 65 to column 2, line 7. It would have been obvious at the time the invention was made for one of ordinary skill in the art to include the features taught by Walrath for the purpose of compensate for drift errors.

15. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollandsworth (U.S. Pat. No. 5,202,695) in view of Walrath (U.S. Pat. No. 5,050,087). Hollandsworth and Walrath teach the salient features of the claimed invention except for the positions of the sensors. It would have been an obvious matter of design choice to fix the first sensor package on the base or the payload since the applicant has not stated that the exact positioning of the sensors solves any stated problem or is for a specific purpose and it appears that the sensors would work equally well whether positioned on the platform of the base.

16. Claims 4-5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollandsworth (U.S. Pat. No. 5,202,695) in view of Walrath (U.S. Pat. No. 5,050,087) and further in view of Algrain (U.S. Pat. No. 5,124,938). Hollandsworth and Walrath teach the salient features of the claimed invention except for the positions of the sensors. [While it is the examiner's position that setting the initial position is inherent in Hollandsworth the following is presented to expedite prosecution.] It could be argued that Hollandsworth and Walrath also do not teach setting an initial position. Algrain teaches in the abstract that the sensors may be located either on the base or the payload. Figure 9 at the upper left corner teaches that the initial

Art Unit: 2851

position can be set in a stabilized platform system. The applicant is directed to review the abstract, figures 5, 7, and 9, as well as column 12, line 22 to column 13, line 4 and claim 10. It would have been obvious at the time the invention was made for one of ordinary skill in the art to include the features taught by Algrain for the purpose of a robust system with more reliability.

17. Claims 7-8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollandsworth (U.S. Pat. No. 5,202,695) in view of Walrath (U.S. Pat. No. 5,050,087), and further in view of White (U.S. Pat. No. 3,811,329). Hollandsworth and Walrath teach the salient features of the claimed invention except for a chair and table on the platform. White teaches in figure 1 that it was known to provide a chair 26 and a table 70 on the stabilized platform. While Hollandsworth and Walrath already allow for electrical operator control of the camera, the arrangement of figure 1 in White would also allow for hands on control of a camera mounted to table 70. It would have been obvious at the time the invention was made for one of ordinary skill in the art to include the features taught by White for the purpose of allowing an operator to keep a level field of view of a target.

18. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hollandsworth (U.S. Pat. No. 5,202,695) in view of Walrath (U.S. Pat. No. 5,050,087), and further in view of Warrow (U.S. Pat. No. 5,142,497), Larrimore (U.S. Pat. No. 3,781,786) or Tyler Camera systems. Hollandsworth and Walrath teach the salient features of the claimed invention except for waterproofing. Warrow teaches in figures 1 and 3, Larrimore teaches in claim 4, and Tyler teaches on page 2 (GYRO PLATFORM) that it was known to provide waterproofing. The

Art Unit: 2851

applicant is directed to also review col. 1, line 64 of Larrimore. It would have been obvious at the time the invention was made for one of ordinary skill in the art to include the features taught by Warrow, Larrimore, or Tyler for the purpose of marine or submersible use.

19. Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollandsworth (U.S. Pat. No. 5,202,695) in view of Walrath (U.S. Pat. No. 5,050,087), and further in view of Rudolph (U.S. Pat. No. 5,33,136), Panaflex (ad), or Tyler. Hollandsworth and Walrath teach the salient features of the claimed invention except for hands on operator control and/or a universal camera mount. Rudolph teaches that it was known to allow for hands on operator control in figure 2 and that a universal camera mount is desirable on column 4, line 68-col. 5, line 1. Panaflex teaches these features on page 2 (top third of page) and Tyler teaches this on page 2 (bottom half of page). It would have been obvious at the time the invention was made for one of ordinary skill in the art to include the features taught by Rudolph, Tyler or Panaflex for the purpose of allowing rapid change of parts/camera.

Conclusion

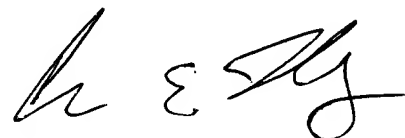
20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Christopher Mahoney at telephone number (703) 305-3475. The

Art Unit: 2851

examiner can normally be reached 8:00 AM to 5:30 PM Monday through Thursday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams, can be reached at (703) 308-2847. The fax number for this Group is (703) 305-34[31,32]. Any inquiry of a general nature or related to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

CM
December 11, 2001

A handwritten signature in black ink, appearing to read 'h e Mahoney', is positioned above the printed name.

Christopher E. Mahoney
Primary Examiner AU2851